

vote at 11:45, I be permitted to speak for 15 minutes and Senator SHERROD BROWN be permitted to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF KETANJI BROWN JACKSON

Mr. DURBIN. Mr. President, last week, the Senate Judiciary Committee was busy. We met for over 30 hours to consider the nomination of Judge Ketanji Brown Jackson to fill a vacancy on the Supreme Court.

During the meeting of the committee, hundreds of questions were posed to Judge Jackson. She spoke thoughtfully and at length about her years in public service, and, most importantly, she really imparted to the committee—and to America that has watched—what she thought about this great Nation, her pride in being an American, the opportunities which were given to her, and opportunities which she used to make this a better place for many.

I was one of the millions who came away from last week's hearing deeply impressed with Judge Jackson. It proved to me during the course of her testimony that the words over the steps of the Supreme Court, "Equal Justice Under Law," are a personal challenge and an invitation to a person just like Judge Jackson.

But it appears some of our Republican colleagues are more reluctant to support her at this moment. She is still making the rounds. Over 50 Senators have received personal visits, and even more will during the course of this week. They have reservations, and I have spoken to some of them and listened to their statements. They say that they don't have any question about her qualifications or experience. Well, thank goodness. She has a stellar resume. Anyone who is a lawyer in this Nation would look at her with envy to think what she has achieved against the odds in her life.

Unfortunately, some of the members of the committee misrepresented her record on several issues. I would like to try to set it straight at this moment.

There seems to be this passion amongst some Republicans to get this nominee to state in a word or two her judicial philosophy. I find that interesting. If a person came up to one of my colleagues and said, "What is your political philosophy?" there are a number of things a person might say. They might say, for example, "I am a fiscal conservative."

You might then ask, "Well, then why did you vote for the Trump tax cuts that gave tax breaks to the wealthiest Americans and added almost \$2 trillion to the national debt? And if you are a fiscal conservative, why is it that you only preach for a balanced budget amendment when there is a Democrat in the White House and never when there is a Republican?"

Basically what you are saying is, "I can hear you and your declaration, but I want to know what you have done."

When it comes to Judge Jackson, those who seek her judicial philosophy and want a simple label one way or the other just haven't done their homework. She has almost 600 published opinions. This woman, this jurist, has not held back in explaining, in case after case, how she views the law. It is there for the reading. Every Member of the Senate and the public has access to that information to get the true measure of a judicial philosophy.

What she said over and over again at the hearing was, I believe in judicial restraint. I think that is exactly what we need in a judge, personally. That is exactly what you will find when you review the hundreds of opinions she has written to date.

Then there is this litmus test question that meant so much to Senator MCCONNELL, the Republican leader in the Senate, that he led off his opposition to Judge Jackson on the issue. And the issue, quite simply, is whether or not Judge Jackson is willing to say what her position is on increasing the number of Justices serving on the Supreme Court—interesting question.

Most Americans think it has been nine for all time, but that is not true. I believe it was in 1869 that that number was established. Before then, it was a fewer number of Justices. It hasn't been changed since. There is speculation among some political quarters that people are thinking about changing it in the future.

So when it came to Senator MCCONNELL's opposition to Judge Jackson because she said it is a policy matter to be decided by Congress, not to be decided by the Court, as to the composition and number on the Supreme Court, Senator MCCONNELL went on to say that that disqualified her; that was the leading disqualification.

Well, you might ask Senator MCCONNELL: How did the previous nominee, Amy Coney Barrett—you went to great lengths in maintaining a vacancy on the Court so that a Republican judge could fill the vacancy—how did she answer this probing threshold question when it came to the future composition of the Supreme Court?

She said virtually exactly what Judge Jackson said: It is a matter for Congress to decide, not for the courts. That was an acceptable answer with Amy Coney Barrett, but for Senator MCCONNELL, it is an unacceptable answer when it comes to Judge Jackson.

The other questions that were raised were about her legal representation. Those of us who have practiced law understand that you don't necessarily agree with the legal position of every client who walks in the office, and sometimes you have no choice. If the court appoints you as a defender or as an attorney to represent someone who is an indigent client, you often have a client before you—not necessarily a savory character—who might have some questionable background. Your job is to be a zealous advocate for that client but never to lie to the court, stick with

the truth, do your best, and represent them in the course of litigation.

That is what Judge Jackson has done in her private practice and her years working for the Federal public defender. Most attorneys get it. Most of them understand that the client you are representing is not necessarily espousing your point of view, nor, really, boasting a lifestyle that you admire, but you have a professional obligation to do your best as a lawyer to represent them before the court of law.

Some of them were opposed to Judge Jackson because she represented detainees at Guantanamo Bay. That is curious because these same lawmakers once claimed that judicial nominees should not be held accountable for the views and actions of their clients.

It was the junior Senator from Missouri who not that long ago argued that litigators "do not necessarily share the views of the people [they represent]" but must "represent them effectively and fairly." He was right then, and he ought to remember it now.

Consider the words of the junior Senator from Texas, who told us in September of 2019:

Saying that the views of your clients or the positions of your clients are necessarily your own personal views is no more accurate than saying a criminal defense lawyer who represents capital defendants is advancing the cause of murder.

That is the quote from the junior Senator from Texas.

Finally, some of our Republican colleagues have accused Judge Jackson of being soft on crime. We had an interesting panel the last day when we considered the judge, and on that panel was a gentleman who is the president of the Black law enforcement organization known as NOBLE.

I asked him point blank: We know the Fraternal Order of Police has endorsed Judge Jackson's aspiration to the Court. We know that the International Association of Chiefs of Police also endorsed her. You, NOBLE, representing Black law enforcement agents across the Nation, have endorsed her. Would you or any of these organizations have even considered the endorsement if you thought she was soft on crime or wanted to defund the police? He was unequivocal. No, he wouldn't have considered her. But her critics ignore that reality.

I want to make it clear that any Senator considering her nomination has the right to make their own choice in this process. They can also look beyond the fact that she comes from a law enforcement family to her actual decisionmaking and sentencing. But to claim, as a few have—only a few—that somehow Judge Jackson was soft when it came to child predators or endangering children is just inaccurate and, frankly, insulting.

Look at the facts. Judge Jackson is well within the judicial mainstream of 70 to 80 percent of sentences by Federal judges when it comes to child pornography offenders—not out of the mainstream, in it—and she has put many

behind bars for decades. Her approach to these cases is comparable to that of many of President Trump's nominees on the bench today.

Independent fact checkers have exposed these baseless attacks for what they are. I can't say it any better than the conservative Federal prosecutor who wrote in a conservative magazine, the *National Review*, that this line of attack against Judge Jackson is "meritless to the point of demagoguery."

Let's be clear. None—absolutely none—of the attacks that have been leveled against Judge Jackson stand up to scrutiny. I assume that is why only a few of my Republican colleagues have spoken out in support of them.

So I want to thank the majority of Republican Judiciary Committee members who treated last week's hearing with dignity and respect. They posed challenging, probing questions to Judge Jackson, and that was their responsibility to do so. Judge Jackson's forthright responses showed the American public why she deserves this historic opportunity.

She is a brilliant jurist, evenhanded, with a model temperament. There were so many moments—for those who followed the hearing, they know what I am speaking of—when I looked up and saw her sitting at the table, thinking that she could stand up at this very moment and say "Enough. My family and I are leaving." But she didn't. She had the strength and the grace and the dignity and determination to weather even that political firestorm.

I am honored to support Judge Jackson. I look forward to our Judiciary Committee vote on her nomination next Monday.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 3950 are printed in today's *RECORD* under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

NOMINATION OF LISA DENELL COOK

Mr. BROWN. Mr. President, I rise to urge my colleagues to join me in confirming Lisa Cook to the Board of Governors of the Federal Reserve System.

Dr. Cook hails from the Presiding Officer's home State of Georgia. She grew up in Milledgeville, GA, where my mother's college roommate—during World War II, before she moved to Washington to be part of the war effort—was a roommate of my mother who is from Mansfield, GA, as the Presiding Officer knows. She roomed with someone from Milledgeville, GA.

Lisa Cook has good smalltown values, good southern values. She now teaches at a great Midwestern State university with good midwestern values.

She is unquestionably qualified, an economist with many years of experience. She is a graduate of Spelman. She was a Truman Scholar in England, something that very few Americans

qualify for. It is a very small, elite, important program. She then got her Ph.D. at Berkeley.

She brings a breadth of research and international experience on monetary policy, on banking, and on financial crises. In fact, she is one of the country's leading researchers on international economic growth and innovation economics.

Dr. Cook currently serves as a dual-tenured professor of economics and international relations at Michigan State. She previously taught at the Kennedy School of Government. She served on the Council of Economic Advisers during the eurozone crisis and at the Department of Treasury.

She is a historic nominee. If confirmed, she would be the first Black woman ever in the more than 100-year history of the Fed. Think about that. In 1913, the Federal Reserve began, created by this body and the House of Representatives, signed by President Wilson. So in 109 years, seven Governors on the Fed—most stay no more than 5 or 6 or 7 years—and she will be the first Black woman to ever serve on the Federal Reserve.

I am thrilled about this nomination. I am thrilled because of the diversity of gender and race but also—maybe especially—the diversity of experience. She knows, in her recognition, that workers should be at the center of our economy. She knows that workers drive our economic growth. She knows how important local communities are. She spent her formative years in the South and a significant portion of her career in the industrial Midwest. She has seen how the economy works and sometimes doesn't work so well for all different kinds of people in different parts of the country.

She arrived on campus in East Lansing, MI, a few years before the financial crisis. She saw its impact on the students, the professors, the entire community. She takes that with her—that experience, that knowledge, that insight—to the Federal Reserve.

That is an unusual thing for a Fed Governor. She has made it clear she is dedicated to Fed independence. She will uphold the Fed's dual mandate of maximum employment and price stability.

Her nomination represents another example of the Biden administration's serious effort to make the economy work for everyone, not just those at the top. That is what especially makes her an outstanding nominee.

It is a critical time for the Fed. We need Dr. Cook and other qualified nominees on the job immediately to fight inflation. Dr. Cook is unquestionably qualified. She possesses bipartisan support from top economists, former Fed Governors, bankers, civil rights organizations.

Yet despite her broad support, a small but loud minority have wrongly claimed that she doesn't meet the standards for this position, standards that only seem to apply for certain nominees.

Still, she has met and she has exceeded those high bars. She is a Ph.D. economist and a tenured professor. She is sought by organizations around the world for her input, for her knowledge, for her wisdom, for her perspective. She will bring a critical voice to the Fed, one that has been missing for far too long.

I urge my colleagues to join me in supporting Dr. Lisa Cook's nomination and getting her on the Board right away to help with our economic recovery.

I yield the floor.

VOTE ON MOTION TO DISCHARGE

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to discharge the Cook nomination.

The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Louisiana (Mr. KENNEDY).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 110 Ex.]

YEAS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

NAYS—49

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Blunt	Hagerty	Rounds
Boozman	Hawley	Rubio
Braun	Hoeben	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Collins	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Toomey
Crapo	McConnell	Tuberville
Cruz	Moran	Wicker
Daines	Murkowski	Young
Ernst	Paul	
Fischer	Portman	

NOT VOTING—1

Kennedy

The motion was agreed to.

The PRESIDING OFFICER. Pursuant to S. Res. 27 and the motion to discharge having been agreed to, the nomination will be placed on the Executive Calendar.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.